

Second, the Proposal indicates that NANP administration does not favor the adoption of 7-digit national numbers because of the effect of such a use on national numbering resources. While numbering conservation concerns are very real, this view should not prevent continued use of the available 950-XXXX numbers. Given the existence of 950 access, it would be most efficient to recognize the likelihood that this use will continue and permit full use of 950-XXXX numbers by information services providers and other users to the extent those numbers are available. As discussed below, the NANP should not sacrifice existing, useful services to a desire for unnecessary uniformity.

Long Term Evolution of the NANP

The Proposal discusses a variety of issues related to the long term evolution of the NANP. The following are Cox's views on some of these issues.

Numbering and Dialing Plan Integration

The Proposal calls for study of how the numbering and dialing plans can best be aligned. This is an appropriate goal, but uniformity should not be achieved at the expense of convenience and functionality.

Many current dialing arrangements are not precisely encompassed within the narrow bounds of NXX-NXX-XXXX but are extremely useful nevertheless. For instance, 411 and 911 do not follow the "standard" NANP interface, but changing them would be wasteful and, in the case of 911, could have adverse public safety implications. Similarly, arrangements like *XXX for access to information services and other services should continue to be accepted so long as they are implemented consistently. Thus, the NANP administration's suggestion that a "need" standard be applied to new numbering/dialing plans, Proposal at 25, should not be a straitjacket that prevents innovation and beneficial change.

Any efforts to integrate numbering and dialing plans should involve the entire telecommunications industry because all industry participants have a stake in how dialing and numbering are implemented. In addition, the variety of industry groups involved in aspects of dialing and numbering policy is likely to impede progress in this area unless the constituent elements of these groups are brought together.

Intelligent Interfaces

The Proposal posits that the advent of intelligent interfaces will reduce concerns regarding number length and related issues. While it is likely that at some

point intelligent interfaces will make numbers irrelevant to the average user, it should not be assumed that this will occur even by the end of the study period.

As a practical matter, meaningful changes in the user interface are far away for most users. The standard approach to using the telephone will continue to be dialing a number for many years to come. Even the most common manifestation of a simplified user interface, speed dialing, typically is limited to less than twenty numbers on a particular telephone.

Even when changes in the interface are available, such as a telephone that lets the user "dial" by naming the person being called, universal adoption of these changes will take many years. As an example, approximately one out of ten subscribers still uses a rotary telephone. Thus, potential changes in the user interface should not be used to discount the effects of future changes in the numbering plan.

Overlay NPAs

Any consideration of overlay NPAs must also include consideration of how they affect telephone-based services in place in a given area, much as splitting an NPA may create difficulties for these services. The most obvious example is 976 service, because marketing in an overlay area may be adversely affected if the customer is required to remember to dial an area code for this local service. The same effects are likely for N11 service, any future *XXX information service implementation and any assignments of 555-XXXX numbers for specialized directory assistance as contemplated by the current NANP.

Additional issues may be raised by overlay NPAs that cover more than one existing NPA. Depending on the implementation of PCS NPAs, this may be a significant problem. The implementation of the 917 NPA as an overlay in New York City for mobile and data uses is the first example of this phenomenon, but more are likely to occur. It may be that the best solution is to assign 976, N11, *XXX and similar numbers not on an NPA-by-NPA basis, but regionally based on consolidated SMSAs or similar boundaries. In any event, these issues should be decided by all interested parties, and not just by landline telephone interests.

Universal 10-digit Dialing

Many of the issues raised by universal 10-digit dialing are beyond the scope of these comments. However, any efforts to adopt 10-digit dialing as the standard should be bound by the concerns discussed above under Numbering and Dialing Plan Integration. In particular, a move to 10-digit dialing should not affect abbreviated dialing arrangements like *XXX, N11 and even 950-XXXX. These arrangements are useful, and requiring subscribers to shift to other, less convenient dialing arrangements

would only hurt information services providers and other subscribers without bringing any benefits to the telephone-using public.

Capacity Perspectives

Cox agrees that capacity is one of the fundamental issues underlying any numbering plan. At the same time, all capacity issues do not need to be addressed at once, and many capacity-related questions will be more easily posed and answered as use of interchangeable NPAs develops.

One approach that could be used to help conserve capacity is to assign NPAs across state lines. For example, NPAs for new services, particularly PCS, could well be assigned to regions based on population or expected demand. This approach may be facilitated by using overlay NPAs to add capacity in those regions, rather than subdividing regions as capacity is used.

NANP Governance

Perhaps the most important long term issue is not how numbers are allocated, but who is responsible for allocating them. The Proposal argues in favor of centralized administration of the NANP and the creation of an advisory council on numbering issues. Alternative arrangements are more likely to meet the needs of all users of numbering resources.

Structure of the Governing Body

The most important element of NANP administration in the future will be full representation of all telecommunications stakeholders. The current NANP administration is controlled by landline telephone companies. The telecommunications industry has changed greatly since 1947 and it is no longer monolithic: A host of new telecommunications businesses, including cellular telephony, paging and independent information services, have come into being. Even newer businesses like PCS and satellite-based telephony are beginning to emerge. In this environment, administration of the NANP must be broad-based and designed to respond to the needs of the entire telecommunications community.

The governing body should be broadly representative of the industry as a whole. Thus, along with landline carriers already represented in NANP governance, cellular carriers, paging companies, PCS carriers, information service providers, consumers and other stakeholders should be represented on the governing body. The governing body also should delegate authority over service-specific numbering issues to the interested parties. For instance, questions regarding specific assignments of NPAs allocated to PCS should be decided by PCS operators. On the other hand, questions

affecting numbering generally, such as whether additional NPAs should be allocated to a particular service, should be decided by the governing body.^{8/}

Authority of the Governing Body

Just as full industry representation is necessary to reflect the state of the telecommunications industry, the authority of the governing body should reflect the importance of numbering policy to all segments of the telecommunications industry. For this reason, the NANP administration proposal for an "advisory council" should not be adopted. Rather than being merely advisory, any new body should set NANP policy. NANP administration could serve as the staff for the governing body, implementing policy and acting generally as the operating arm of the NANP.^{9/}

The governing body also should be responsible for all numbering-related issues. One of the key difficulties in numbering policy is that responsibilities are splintered among many groups. Cox's experience with its request for assignment of an N11 number from BellSouth is illustrative. BellSouth asked NANP administration for guidance. NANP administration's view of assigning N11 numbers to end users was affected, in part, by the potential availability of vertical services codes. Availability of these numbers, however, is dependent on the resolution of issues before the ICCF, a group NANP administration does not control. Consolidation of the numbering functions now held by these groups would have aided in the resolution of Cox's request. As with service-specific issues, the governing body should be able to delegate initial decisions to sub-groups of parties with interests in particular issues.

The governing structure also should include explicit appeal rights. These rights could include hearings before neutral arbitrators. Although disappointed parties always retain their right to request relief from governmental bodies, the decision and appeal processes should be designed to minimize the necessity for governmental resolution of numbering issues.

To achieve these goals, it may be necessary to obtain initial concurrence of regulatory authorities. One model for the creation of a broadly representative governing

8/ A similar approach should be used in the assignment of numbering resources within an NPA. The current practice of delegating authority to a single LEC leads to disputes when the LEC acts in ways contrary to other carriers' interests. A better approach would be to give the users of numbering resources in a particular area a role in deciding how those numbers will be assigned. Only if there are no other users should a single carrier make such decisions on its own.

9/ In this role, it would be inappropriate for NANP administration to chair the governing body, as is suggested in the Proposal.

body for issues of common concern is the National Exchange Carrier Association, which was formed by the FCC in order to implement access charge policies. While a numbering plan governing body would not exactly follow the NECA model, the general outlines of NECA's organization can provide guidance. Much as NECA's organization was intended to represent the interests of all local exchange carriers, the numbering governing body should represent the interests of all users of numbering resources. Other organizations, including Bellcore, may also provide useful models for some elements of the long term governance of numbering and dialing issues in WZ1.

Conclusion

The advent of interchangeable NPAs provides an opportunity for careful long term planning of the future of numbering in WZ1. In order to take advantage of this opportunity, administration of the NANP should be redesigned to be responsive to the needs of all users of numbering resources. For this to happen, the Proposal must be revised to add flexibility in numbering resource allocation and to spread control over numbering among all parties with interests in numbering.

It is likely that reshaping the numbering plan will be a difficult process. It is vital, consequently, that it be undertaken with care and with due regard for the interests of carriers, other participants in the telecommunications industry and regular customers alike. Cox believes that the proposals contained herein are most likely to lead to numbering decisions that balance all of those interests properly.

Please inform the undersigned if any questions should arise in connection with these comments.

Respectfully submitted,

COX ENTERPRISES, INC.

A handwritten signature in black ink, appearing to read "Werner K. Hartenberger".

Werner K. Hartenberger
J.G. Harrington
Laura H. Phillips

Its Attorneys

WKH/JGH/LHP/bbv

EXHIBIT B

Cox Comments on Proposed NXX Code Assignment Guidelines

DOW, LOHNES & ALBERTSON

ATTORNEYS AT LAW

1255 TWENTY-THIRD STREET

WASHINGTON, D. C. 20037

TELEPHONE (202) 857-2500

TELECOPIER (202) 857-2900

WRITER'S DIRECT DIAL NO.

CABLE "DOWLA"
TELEX 425546

202-857-2818

March 18, 1992

VIA FEDERAL EXPRESS

Mr. James N. Deak
Manager
North American Numbering Plan Administration
Bell Communications Research
290 West Mt. Pleasant Avenue, Room 1B22B
Livingston, New Jersey 07039-0486

Re: CO Code Assignment Strawman Proposal
Comments of Cox Enterprises, Inc.

Dear Mr. Deak:

On behalf of our client, Cox Enterprises, Inc. ("Cox"), we hereby provide Cox's initial comments on the "strawman" proposal (the "Proposal") for central office ("CO") code assignment procedures under the North American Numbering Plan ("NANP"), issued by Bellcore on February 19, 1992.^{1/} As detailed below, Cox believes that certain elements of the Proposal should be clarified or modified. These clarifications and modifications are necessary to ensure that CO code assignment policies address the concerns of all segments of the telecommunications industry, including information service providers, mobile services providers, alternative access providers and the providers of services using as yet undefined future technologies.

In particular, several areas of concern should be addressed. First, the scope of the CO code assignment policy should be limited to assignments of NXX codes. In addition, disagreements regarding CO codes and other numbering plan resources should be resolved by independent, neutral arbiters.

^{1/} Cox is a diversified company with interests in newspapers, broadcast outlets and cable television systems. Cox also provides information services via the telephone network.

The Scope of CO Code Assignment Policies

The scope of the CO code assignment policies addressed by the Proposal must be better defined. Code assigning entities should act consistently throughout the country and treat all parties fairly. In particular, CO codes should be defined as all NXX codes except the N11 service codes, consistent with current usage under the NANP. See BOC Notes on the LEC Networks - 1990, § 3.2.4.

N11 codes are reserved for local use under the NANP, and have especial utility in those uses. In addition, Cox notes that BellSouth is now preparing to offer N11 numbers for use by information services providers, a use to which these codes are particularly suited. Cox anticipates that other LECs are likely to begin offering local N11 service in the near future as well. In order to maximize the utility of N11 codes to the public and to information services providers, the CO code assignment guidelines should affirm existing policy, which is that N11 codes are not available for assignment as CO codes. Any modification in this policy would be an inappropriate deviation from current NANP principles.

The codification of NXX assignment policies also presents an opportunity to reexamine aspects of current assignment principles that may no longer serve the public interest. For example, Section 3.1 provides that central office codes are to be assigned only to public switched telephone network addresses and not addresses in private networks. As private carriers proliferate and interconnect to the PSTN, the rationale behind this restriction becomes increasingly suspect. Cox views the process of adopting the Proposal as an opportune moment to review the purpose of and need for this existing restriction.

Resolution of CO Code Assignment Disputes

One issue unresolved by the Proposal is how disputes regarding the assignment of CO codes will be decided. The Proposal lists a series of options and notes that "a variety of opinions" were expressed while the Proposal was being prepared. Proposal at § 4.1. While the tentative and unformed nature of the options listed makes it difficult to comment on them in depth, Cox believes it is important that any dispute resolution mechanism rely on independent, neutral arbiters rather than on interested parties.^{2/}

^{2/} The Proposal focuses only on dispute resolution. Recent experiences with routine administration, as described below, suggest that there are serious questions regarding the ability of wireline telephone companies and Bellcore to act on even routine assignment matters in a neutral fashion.

The dangers of involving self-interested parties in NANP resource allocation decisions are clear. A party with its own needs for CO codes, for instance, is likely to value those needs more highly than the needs of another party.^{3/} In addition, landline telephone carriers and their affiliates are likely to have different views of how to allocate CO codes and other resources than are wireless carriers. These views can color even what appear to be purely ministerial decisions, including whether a request for a CO code or other resource meets the threshold requirements for such requests or when a request should be treated as having been submitted in complete form.

These dangers are exacerbated when resources like CO codes are relatively scarce. As the experience of cellular RSA licensees has shown, wireline carriers administering CO codes are reluctant to release those codes, even when there are legitimate needs for them.^{4/} As CO codes become more and more scarce, the pressure on LECs to serve their own needs first will continue to grow.

This situation demands that allocation and assignment decisions be made by independent, neutral arbiters whenever there is a dispute. These arbiters could be local, regional or national, but they should be empowered to resolve disputes according to the merits of each particular situation. Bellcore should not be placed in this role because it is not independent. It might be appropriate to establish a pool of qualified arbitrators or panels of industry representatives to hear and resolve any disputes. Of course, any parties dissatisfied with these decisions should retain their current rights to file complaints or requests for FCC or other regulatory intervention. This will permit aggrieved parties an opportunity to obtain any relief that may be appropriate.

At the same time, it is important to develop and maintain consensus among all industry participants on the proper procedures for assigning CO codes in the first instance. The more responsive the procedures are to the needs of all parties, the less likelihood there is of disputes over the fairness or correctness of individual decisions.

3/ Even if a party with its own needs does not actually favor itself in such decisions, the potential for an appearance of impropriety is great.

4/ The best known example of such reluctance is wireline carrier response to RSA operators' requests for multiple CO codes to allow the creation of local calling areas for distinct populations in an RSA. These requests typically meet with resistance, even though CO codes for landline customers have been allocated to create the same local calling areas desired by the cellular carrier.

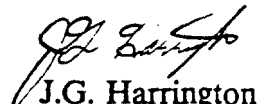
Mr. James N. Deak
March 18, 1992
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Conclusion

Cox believes it is important to adopt clear and appropriate standards for the assignment of CO codes to carriers and to reexamine the assumptions and purposes behind the current principles of numbering plan administration. Revised standards must include proper definition of the scope of any CO assignment policy and procedures for fair resolution of disputes involving CO codes. Cox welcomes the opportunity to participate in this process and anticipates a fruitful resolution of the issues under discussion in this matter.

Please inform us if any questions should arise in connection with these comments on the Proposal.

Very truly yours,


J.G. Harrington


Laura H. Phillips

Attorneys for Cox Enterprises, Inc.

JGH/LHP/hcg

DOW, LOHNES & ALBERTSON

ATTORNEYS AT LAW

1255 TWENTY-THIRD STREET

WASHINGTON, D. C. 20037

TELEPHONE (202) 857-2500

FACSIMILE (202) 857-2900

CABLE "DOWLA"
TELEX 425546

J.G. HARRINGTON

DIRECT DIAL NO.

857-2818

May 15, 1992

VIA FEDERAL EXPRESS

Mr. James N. Deak
Manager
North American Numbering Plan Administration
Bell Communications Research
290 West Mt. Pleasant Avenue, Room 1B22B
Livingston, New Jersey 07039-0486

Re: CO Code Assignment Strawman Proposal
Further Comments of Cox Enterprises, Inc.

Dear Mr. Deak:

On behalf of our client, Cox Enterprises, Inc. ("Cox"), we hereby provide Cox's comments on the revised "strawman" proposal (the "Revised Proposal") for central office ("CO") code assignment procedures under the North American Numbering Plan, dated April 17, 1992.^{1/} For the reasons described below, Cox believes that some additional changes should be made in the Revised Proposal. Cox reserves its right to comment on other aspects of the Revised Proposal and on any future modifications to the guidelines contained in the Revised Proposal.

These further comments respond to two issues raised by the Revised Proposal. First, the Revised Proposal does not define the terms "NXX" and "CO Code" adequately. Second, Cox objects to the omission of Section 4, concerning resolution of disputes, from the Revised Proposal.

^{1/} Cox is a diversified company with interests in newspapers, broadcast outlets and cable television systems. Cox also provides information services via the telephone network.

Definition of Terms

Section 1.0 of the Revised Proposal describes certain characteristics of central office codes and introduces the terms "CO codes" and "NNX/NXX codes," but these basic terms are not specifically defined in the Revised Proposal. For that matter, there is no concise definition of either of those terms in BOC Notes on the LEC Networks ("Notes on the Networks"), although a definition can be deduced from the text. Definition of these terms is necessary to clarify the scope of the Revised Proposal. Cox therefore proposes the following definition of the term central office code, to be included in the glossary at the end of the guidelines:

The sub-NPA code in a telephone number, i.e., digits D-E-F of a 10-digit World Zone 1 address. Central office codes are in the form "NNX" or "NXX," where N is a number from 2 to 9 and X is a number from 0 to 9, with the exception of codes in the form "N11," which may not be assigned as central office codes. Central office codes also may be referred to as "NNX codes," "NXX codes" or "NNX/NXX codes."

This definition incorporates the information in the Revised Proposal and conforms to the usage in Notes on the Networks. See Notes on the Networks, §§ 3.2.4, 3.3.3.

Resolution of CO Code Assignment Disputes

The original proposal advanced a series of options for resolving CO code assignment disputes. The Revised Proposal eliminated this section. As described in its initial comments, Cox believes that dispute resolution must rely on independent, neutral arbiters rather than on interested parties. Therefore, Cox objects to the elimination of this section.

If no consensus can be reached by all interested parties on this issue, then it is appropriate to submit the disagreement to the FCC. An agreement that it is difficult to formulate appropriate dispute resolution mechanisms is not sufficient grounds for eliminating the concept of dispute resolution from the Revised Proposals.

Cox notes that some participants, principally telephone companies, argued that there was no need to include this section because the FCC had not specifically asked for such information. The absence of a formal procedure to redress erroneous decisions, however, would leave a serious gap in the guidelines.

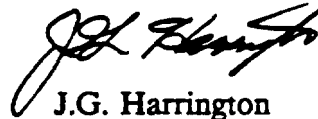
Perhaps the best evidence of the need for specific dispute resolution procedures using independent, neutral arbiters is the list of parties advocating

Mr. James N. Deak
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eliminating this section and urging the inclusion of specific procedures. Those wishing to eliminate the dispute resolution section are principally local exchange carriers, who now assign CO codes. Those who wish to specify new dispute resolution procedures are non-LECs, including cellular carriers, interexchange carriers and alternative access providers. In other words, the current system may serve the entrenched interests of LECs well, but it does not serve the interests of any other parties.

Please inform us if any questions should arise in connection with these comments on the Revised Proposal.

Very truly yours,



J.G. Harrington



Laura H. Phillips

Attorneys for Cox Enterprises, Inc.

JGH/LHP/bbv

cc: Mr. Peyton Wynns

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of December, 1992, copies of the foregoing "Reply Comments of Cox Enterprises, Inc." were served by first class, United States mail, postage prepaid, upon the following parties, except where indicated:

*The Honorable Alfred C. Sikes
Chairman
Federal Communications Commission
Room 814
1919 M Street, N.W.
Washington, D.C. 20554

*The Honorable James C. Quello
Commissioner
Federal Communications Commission
Room 802
1919 M Street, N.W.
Washington, D.C. 20554

*The Honorable Sherrie P. Marshall
Commissioner
Federal Communications Commission
Room 826
1919 M Street, N.W.
Washington, D.C. 20554

*The Honorable Andrew C. Barrett
Commissioner
Federal Communications Commission
Room 844
1919 M Street, N.W.
Washington, D.C. 20554

*The Honorable Ervin S. Duggan
Commissioner
Federal Communications Commission
Room 832
1919 M Street, N.W.
Washington, D.C. 20554

*Mr. Peyton L. Wynns
Chief, Industry Analysis Division
Common Carrier Bureau
Federal Communications Commission
1919 M Street, N.W., Room 538
Washington, D.C. 20554


Bonnie V. Biely de Villarroel

*Via hand delivery.